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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,397	04/26/2005	Eiji Oki	5259-052/NP	1591
27572                      7590                      11/10/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
EXAMINER				
PHAM, TITO Q				
ART UNIT		PAPER NUMBER		
2466				
MAIL DATE		DELIVERY MODE		
11/10/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/533,397

**Applicant(s)**

OKI ET AL.

**Examiner**

TITO PHAM

**Art Unit**

2466

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-22 and 24-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-19, 24, 26-41 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 20-22, 25, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This communication is in response to Request for Continued Examination filed on August 27, 2009. Claims 1, 3-22, 24-43 are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3, 20-22, 25, 42, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 20, and 22, it is unclear on the phrase "as a normal link in the IP/MPLS node." Examiner is not clear what is considered "a normal link in the IP/MPLS node." How is it possible that link state information of the GMPLS label path is advertised as a normal link in the IP/MPLS node? A link in a node is usually considered a circuit/connection between devices within the node. Examiner is not sure how the link state information of the GMPLS label is advertised as one of those circuits/connections. It is not clear what role/functionality of a router LSA in the claim.

Claims 3, 21, 25, 42, and 43 are rejected for the same reason set forth in the independent claims above.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 20-22, 25, 42, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Oki et al. (US Pub. No. 2003/0161633), hereinafter Oki.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding **claims 1 and 22**, Oki discloses a method and a GMPLS/IP/MPLS node (figure 22 node 3C) which is used in a network in which a GMPLS (Generalized Multi Protocol Label Switching) network (figure 22 optical network 8C) and an IP (Internet Protocol) network (figure 23 network 7C) are mixed, the GMPLS network comprising a node (figure 22 node 3C) having a GMPLS function (LSC function), the IP network comprising an IP/MPLS (Internet Protocol/Multi Protocol Label Switching) node (figure 22 node 2C), and which constitutes the GMPLS network (figure 22 network 8C),

and which processes a GMPLS protocol (optical LS) and an IP/MPLS protocol (PSC), the GMPLS+IP/MPLS node comprising:

a device (figure 22 element 3C and figure 23 element 30C) which establishes a GMPLS label path of a packet layer (paragraph 296) with another GMPLS+IP/MPLS node in the GMPLS network (paragraphs 58 and 59); and

a device (figure 22 element 1C-3) which tunnel transfers (see figure 22; packet is tunneled though optical path) a packet transferred from the IP/MPLS node (figure 22 node 2C) with the other GMPLS+IP/MPLS node (figure 22 node 3C) through the GMPLS label path.

a device which advertises link state information of the GMPLS label path of the packet layer to the IP/MPLS node in the same form as that of a link between IP/MPLS nodes by a router LSA (Label Switching Advertisement) as a normal link in the IP/MPLS node (figure 23 routing processing function 20C, link state database 22C in view of "to other nodes (advertisement information) on the bottom right of the figure; paragraphs 403 and 404; flooding section 21C is a function section which communicates to the adjacent nodes its link state information database; flooding section 21C is considered a router LSA as it performs the function of advertising to the adjacent nodes (packet switch/IP node and optical switch/GMPLS node) its link state information).

Regarding **claims 3 and 25**, all limitations in claims 2 and 22 are disclosed above. Oki further teaches a device (figure 23 element 22C) which holds the link state information having the GMPLS label path of the packet layer advertised as the link; and

a device (figure 23 element 23C) which holds link state information inside of the GMPLS network.

Regarding **claim 20**, Oki discloses an IP/MPLS node (figure 22 node 2C) which is used in a network in which a GMPLS network (figure 22 network 8C) and an IP network (network 7C) are mixed, the GMPLS network comprising a node (node 3C) having a GMPLS function, the IP network comprising an IP/MPLS node, and which is connected to the GMPLS network, and a GMPLS+IP/MPLS node which constitutes the GMPLS network and which is capable of processing a GMPLS protocol and an IP/MPLS protocol establishes a GMPLS label path of a packet layer with another GMPLS+IP/MPLS nodes in the GMPLS network (see figure 22),

the IP/MPLS node comprising a device (figure 23 element 22C or 23C) which holds link state information (link state database) having a GMPLS label path of the packet layer advertised in the same form as that of a link between IP/MPLS nodes by a router LSA as a normal link in the IP/MPLS node (paragraphs 403 and 404; flooding section 21C is a function section which communicates to the adjacent nodes its link state information database).

Regarding **claim 21**, all limitations in claim 1 are disclosed above. Oki further teaches an IP/MPLS node (figure 22 node 2C) which is connected to the GMPLS network, and which is provided with a device (figure 23 element 23C) which holds link state information having a GMPLS label path of the packet layer advertised as a link.

Regarding **claim 42**, all limitations in claim 22 are disclosed above. Oki further teaches IP/MPLS node holds link state information having the GMPLS label path of the packet layer advertised as a link (figure 23 element 22C).

Regarding **claim 43**, all limitations in claim 22 are disclosed above. Oki further teaches providing an IP/MPLS node (figure 22 node 2C) which transfers a packet, and which advertises link state information of the GMPLS label path of the packet layer to another IP/MPLS node by a router LSA as a normal link in the IP/MPLS node (figure 23), and which holds link state information having the GMPLS label path of the packet layer advertised as the link from the GMPLS+IP/MPLS node or the other IP/MPLS node (figure 23 link state database 22C and 23C; paragraph 403).

#### ***Allowable Subject Matter***

4. Claims 4-19, 24, and 26-41 are allowed.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TITO PHAM whose telephone number is (571)272-4122. The examiner can normally be reached on Monday-Friday 8AM-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Ryman can be reached on 571-272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TP

/Daniel J. Ryman/  
Supervisory Patent Examiner, Art Unit 2466